

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AURORA LOAN SERVICES, LLC,)	
As Master Servicer and on behalf of)	
LaSalle SAIL 2004-3,)	
)	Case No. 08-cv-1328
Plaintiff,)	
)	Judge Kennelly
v.)	
)	Magistrate Judge Nolan
ANTHONY L. MITCHELL,)	
)	
Defendant.)	

PLAINTIFF'S MEMORANDUM IN RESPONSE TO THE
COURT'S MARCH 24, 2008 ORDER

Aurora Loan Services, LLC, as Master Servicer and on behalf of LaSalle SAIL 2004-3 ("Aurora"), by its undersigned counsel, responds to the Court's March 24, 2008 Order inquiring "whether the citizenship of the original maker of the loan and/or that of the current owner of the loan of which plaintiff is the servicer is relevant for purposes of determining diversity of citizenship," and states as follows:

This Court inquires whether the citizenship of the originator of the subject mortgage loan ("Loan") is relevant for purposes of determining diversity of citizenship in this case. Aurora contends it is not relevant because the originator of the Loan is not a party to this action, and the citizenship of one or more interim owners does not impact the court's jurisdictional analysis.

Nonetheless, Aurora informs the Court that the originator of the Loan was People's Choice Home Loan, Inc. ("People's Choice"), which is a citizen of the State of Delaware. Thus, even if the Court were to consider the citizenship of People's Choice, the parties are diverse from one another and this Court has jurisdiction herein. Although not directly germane to the jurisdictional issue, Aurora also informs the Court that People's Choice is currently in Chapter 11

bankruptcy proceedings, thus to recover the losses relating to the Loan Aurora is pursuing responsible third parties, including the defendant named in this case.

This Court also inquires whether the citizenship of the current owner of the Loan, or loss relating thereto, is relevant for purposes of determining diversity of citizenship. The Loan was sold, assigned, or otherwise transferred on the secondary mortgage market, and was ultimately securitized into a trust identified as LaSalle SAIL 2004-3 ("Trust"). The Trust is a New York common law trust, with citizenship in the State of New York.

Aurora is Master Servicer with respect to the Loan and, accordingly, is authorized and directed to enforce obligations and/or duties owed loan sellers, brokers, appraisers, and borrowers relating thereto, including but not limited to the obligations and/or duties owed by the defendant in this case. Furthermore, attached hereto as **Exhibit A** is Aurora's specific authorization from the Trust and its trustee to pursue the claims against the defendant herein. While the Trust is the owner of Loan and/or the loss relating thereto (as alleged in the Complaint), the Trust is not a party to this action and Aurora, by virtue of its sole and exclusive authority, is the real party in interest.

Dated this 11th day of April, 2008.

Respectfully submitted,
AURORA LOAN SERVICES, LLC,

By: /s/ Susan J. Miller
One of its attorneys

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